

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROUTEONE, LLC,

Plaintiff,

Case No. 11-cv-13781
Honorable Patrick J. Duggan

v.

John Doe 1 - John Doe 9,

Defendants.

/

OPINION AND ORDER GRANTING PLAINTIFF'S EMERGENCY AND EX PARTE MOTION FOR IMMEDIATE DISCOVERY

On August 30, 2011, Plaintiff RouteOne, LLC ("RouteOne") filed this lawsuit against unknown individuals and/or entities that allegedly accessed RouteOne's internet system without authorization. Presently before the Court is Plaintiff's emergency and ex parte motion for immediate discovery from third-parties Comcast Corporation ("Comcast") and AT&T Corporation ("AT&T"), filed pursuant to Federal Rules of Civil Procedure 26(d)(1) and (2) on September 1, 2011. For the reasons that follow, the Court grants RouteOne's motion.

RouteOne is an internet based credit application management system and company that provides automotive dealer and finance sources the ability to manager their business from a single internet portal. (Compl. ¶ 1.) More specifically, RouteOne offers its clients the ability to access credit bureau reports for prospective retail automotive purchasers via the internet. (Pl.'s Mot. ¶ 2.) Beginning August 28, 2011, RouteOne discovered that

unknown individuals and/or entities had accessed RouteOne's system and obtained its customers' internet identification credentials and were using those credentials to access credit bureau reports on RouteOne's computer systems. (*Id.* ¶ 3.)

RouteOne has identified the internet addresses ("IP addresses") associated with the individuals and/or entities and has determined that the individuals and/or entities were using Comcast's and AT&T's internet systems to access RouteOne's systems. RouteOne filed the pending motion seeking a court order requiring Comcast and AT&T to respond to a Rule 45 subpoena and identify the subscribers associated with the IP addresses and certain information about the subscribers (address, phone number, facsimile number, and email address). Comcast and AT&T are precluded from revealing this information without a court order pursuant to 47 U.S.C. § 551(c). This information is necessary for this lawsuit to progress.

Therefore, the Court **GRANTS** RouteOne's request for immediate discovery, **with the following conditions.** Internet service providers Comcast and AT&T shall respond to and comply with the subpoenas served on them by counsel for RouteOne, requiring them to identify the name, address, phone number, facsimile number and email address of the individual and/or entity using the IP addresses identified in the subpoena. Unless otherwise directed by the Court, Comcast and AT&T must comply with the subpoena within the time specified in the subpoena, which may not be before September 8, 2011.

The disclosure of this information is ordered pursuant to 47 U.S.C. § 551(c)(2)(B). Any information disclosed to RouteOne in response to the Rule 45 subpoena may be used

only for the purpose of protecting RouteOne's rights as set forth in the Complaint.

Comcast and AT&T shall give written notice to the subscribers affected by this order within three (3) business days of being served with RouteOne's subpoena.

SO ORDERED.

Date: September 1, 2011

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copy to:
Todd A. Holleman, Esq.